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Letter dated 22 December 2017 from the Chair of the Informal Working Group on International Tribunals addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Informal Working Group on International Tribunals on the Working Group's activities in 2017.

I should be grateful if the present letter and the report were brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Elbio **Rosselli**
Chair
Informal Working Group on International Tribunals

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Report of the Informal Working Group on International Tribunals for 2017

I. Introduction

1. The present report is submitted to inform the Security Council of the work of the Informal Working Group on International Tribunals in 2017.

II. Organizational matters

2. The Working Group was established on an informal basis in 2000 to consider matters relating to the United Nations and United Nations-assisted tribunals, in particular the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda. The Working Group consists of the legal advisers of the permanent missions of the members of the Security Council and is assisted by the Office of the Legal Counsel of the Office of Legal Affairs and the Security Council Affairs Division of the Department of Political Affairs.

3. Until 2007, the Working Group's chairmanship followed the monthly rotation of the presidency of the Security Council and it met only on an ad hoc basis. At the end of 2007, given the intensive work relating to residual issues and the completion strategies of the Tribunals pursuant to resolutions 1503 (2003) and 1534 (2004), the Working Group decided to appoint a single Chair and began meeting regularly. Subsequently, the Working Group was chaired by Belgium (2008), Austria (2009 and 2010), Portugal (2011), Guatemala (2012 and 2013) and Chile (2014 and 2015). Uruguay had the honour of chairing the Working Group in 2016 and 2017.

4. In 2017, the Working Group held two formal meetings, with the Presidents and the Prosecutor of the International Tribunal for the Former Yugoslavia and the International Residual Mechanism for Criminal Tribunals.

III. Briefings to the Security Council

5. Following previous practice, the Permanent Representative of Uruguay, in his capacity as Chair of the Working Group, briefed the Security Council on the activities of the Working Group and gave his personal reflections on 7 June (7960th meeting) and 6 December 2017 (8120th meeting).

IV. Exchange of views with the Presidents and the Prosecutor of the International Tribunal for the Former Yugoslavia and the Residual Mechanism

6. At its meeting on 5 June 2017, the Working Group held an exchange of views with the Presidents and the Prosecutor of the International Tribunal for the Former Yugoslavia and the Residual Mechanism, in preparation for their briefings to the Security Council on the work and activities of the Tribunal and the Mechanism on 7 June 2017.

7. At its meeting on 5 December 2017, the Working Group held an exchange of views with the Presidents and the Prosecutor of the International Tribunal for the Former Yugoslavia and the Residual Mechanism, in preparation for their briefings to the Security Council on the work and activities of the Tribunal and the Mechanism on 6 December 2017. The Working Group also discussed the possibility of adopting

a statement by the President of the Security Council or a press statement to mark the closure of the Tribunal on 31 December 2017.

V. Conclusion

8. In 2017, Uruguay was honoured to continue to chair the Working Group, giving it the opportunity to reaffirm its commitment to the work of the International Tribunal for the Former Yugoslavia, the successfully closed International Criminal Tribunal for Rwanda and the Residual Mechanism.

9. During the year, the Chair exchanged views with the members of the Working Group on several issues, for example in response to a request for guidance from the Office of Internal Oversight Services (OIOS).

10. By a letter dated 20 January 2017 addressed to the Chair, the Under-Secretary-General for Internal Oversight Services requested guidance on whether the Security Council would require an OIOS evaluation report on the Residual Mechanism at the time of its next periodic review, in 2018.

11. Following consultations with members of the Working Group, by a letter dated 27 February 2017 addressed to the Under-Secretary-General for Internal Oversight Services, the Chair confirmed that, in accordance with paragraph 7 of the statement by the President of the Security Council (S/PRST/2015/21), the Council required OIOS to conduct an evaluation of the methods and work of the Residual Mechanism covering the period of the Mechanism's operation, beginning with the last review by the Council (December 2015) and taking into account other OIOS reviews completed in the period of the Mechanism's operation.

12. The members of the Working Group also considered that the OIOS evaluation should be conducted in 2018 and the report presented to the Security Council by 31 March 2018.

13. Aside from the meetings previously referred to herein, the Working Group held informal meetings in March and December 2017. During the meeting in March, the Chair proposed that the Working Group should discuss the letter dated 1 March 2017 from the President of the International Tribunal for the Former Yugoslavia addressed to the President of the Security Council (S/2017/180) and a letter dated 6 March 2017 from the President of the Residual Mechanism addressed to the Chair concerning the OIOS evaluation.

14. On 17 November, the Chair circulated a draft statement by the President of the Security Council relating to the closure of the International Tribunal for the Former Yugoslavia. On 8 December, the Chair proposed a draft press statement on the same topic, given that no consensus was reached on the adoption of a statement. On 19 December, the Chair held an informal meeting to continue the exchange of views about the issue.

15. The cooperation of the Working Group was important in supporting the work of the International Tribunal for the Former Yugoslavia and the Residual Mechanism. That positive attitude should continue into 2018, in order to follow up on the issues that remain pending.

16. Given the closure of the International Tribunal for the Former Yugoslavia, the Chair notes that it is important that the Security Council continue to support and monitor the work of the Residual Mechanism.

17. The Office of Legal Affairs and the Security Council Affairs Division provided invaluable support in 2017. The Presidents of the International Tribunal for the

Former Yugoslavia and of the Residual Mechanism, as well as the Prosecutor, worked closely together in the furtherance of the mandates and timelines established by the Security Council and maintained an excellent relationship with the Working Group.

18. The members of the Working Group wish Peru every success as the new Chair of the Working Group.